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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,152	07/23/2001	Michael L. Howard	2291.2.14	4493
21552	7590	05/03/2005	EXAMINER	
MADSON & METCALF GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101			TRAN, PHUC H	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,152

Applicant(s)

HOWARD ET AL.

Examiner

PHUC H. TRAN

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/29/02 & 1/17/02

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Tonnby et al. (U.S. Patent No. 6295293 B1).

- With respect to claims 1 & 8, Tonnby teaches a combined telephone network interface and gateway for facilitating communications through use of a telephone with an embedded device and for facilitating communications between a remote service provider and the embedded device (e.g. Fig. 4), the combined telephone network interface and gateway comprising:

a telephone interface for electronic communication with a telephone (29 in Fig. 4);

an external telephone network interface for connecting the telephone network interface to an external telephone network (e.g. PSTN/ISDN in Fig. 2);

a gateway for electronic communications with the embedded device (block 24 in Fig. 6), the gateway being programmed to communicate with the embedded device, and the gateway also being programmed to enable communications with the embedded device from a control service provider (9 and 32 in Fig. 6);

connection control (12 in Fig. 3), the connection control operating to cause the telephone to be selectively in electronic communication with the external telephone network for telephone calls such that a user at the telephone is capable of dialing out and is capable of receiving an incoming telephone call (e.g. the telephone dial up to IPNT and to the server), and the connection control operating to selectively cause the telephone to be in electronic communication with the gateway for communicating with an embedded device such that device requests from the telephone are communicated to the gateway (col. 10, lines 50-56), wherein the gateway is in electronic communication with the embedded device, and the connection control operating to selectively cause the gateway to be in electronic communication with the external telephone network to enable electronic communications between a control service provider and the gateway (e.g. the block 24 communication with PSTN in Fig. 7).

- With respect to claims 2, and 9, Tonnby further comprising a plurality of telephone interfaces for electronic communications with a plurality of telephones (e.g. 5).

- With respect to claims 3, and 10, Tonnby discloses wherein the control service provider communicates with the telephone network interface through use of a telecommunications network (e.g. PSTN).

- With respect to claims 4, and 11, Tonnby teaches wherein the control service provider communicates with the telephone network interface through use of a global computer network (e.g. internet in Fig. 5).

- With respect to claims 5, and 12, Tonnby discloses wherein the control service provider communicates with the telephone network interface through use of a computer network (e.g. block 6 in Fig. 5).

- With respect to claims 6, and 13, Tonnby teaches wherein the control service provider includes schedule data to indicate when certain messages are to be sent to certain embedded devices (col. 11, lines 11-18).

- With respect to claims 7, and 14, Tonnby discloses wherein the control service provider includes device location data to indicate the address of certain embedded devices (col. 3, lines 13-24).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2666

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
4/29/05


DANGTON
PRIMARY EXAMINER